

A. STATE-AT-A-GLANCE

1) Program Operation	State-supervised; County-administered
2) Number of Local Offices (excluding Agencies under Cooperative Agreements)	8 regional child support enforcement units
3) Type of Agencies with Cooperative Agreements	53 clerks of court, State's attorneys, sheriffs, Attorney General's office, and the Supreme Court Administrator's office
4) Uniform Interstate Family Support Act	Yes
5) Agreements With Tribal Entities	No
6) Age of Majority for Termination of Support	18 - but if child is enrolled and attending high school full time and child resides with person to whom duty of support is owed, court can extend child support obligation until child is 19 or graduates from high school, whichever occurs first
7) Statutes of Limitation:	
• Collection of Past Due Support	10 years after the obligation for current support ceases.
• Paternity Establishment	3 years after the child attains majority.
Dormancy Revival/Renewal Possible [yes/no]	Yes, arrears judgment may be renewed for an additional 10 years
8) Guidelines	Variable percentage of obligor's net income
9) Interest Rates on	Statutory rate is 12% per annum, rarely enforced
• Missed Payments	Arrears are automatically judgments and would accrue from original due date for each payment
• Retroactive Support	Only from date the arrearage is established and included in a judgment
• Adjudicated Arrearage	From date of judgment
10) Arrearage Collections for Non-minor Child(ren)	Yes - through income withholding, execution of judgments, State tax refund intercept, and limited judicial processes, depending on judicial district.
11) Distribution Scheme	
• AFDC Arrears	First to current support, then to arrears owed to the state, then to arrears owed to the recipient

• Non-AFDC Arrears	See AFDC arrears, above
12) Procedures Regarding Medical Support Using Income Withholding	Yes, if health insurance is available through income payor <u>and</u> obligor is required in court order to provide health insurance, income payor shall withhold amount of premium necessary to enroll child or children.
13) New Hire Reporting	No
14) Recovery of Costs Elected Under State Plan	No
15) Recovery of Costs for Initiating State	Yes
16) Long-Arm Statute/s Citation/s	N.D.R.Civ.P Rule 4(b) (General Long-Arm) NDCC §14-12.2-04 (UIFSA)
17) Automated Locate Resources	Department of Motor Vehicle, Driver's License; AFDC, Food Stamps, and Medical Assistance programs; Child Support Enforcement system; Employment Security (wages, unemployment, and registration); NLETS (National Law Enforcement Telecommunications System); Game and Fish
18) Enforcement Options	
• State Income Tax Refund Intercept	Yes
• License Revocation/ Suspension	Yes - drivers and occupational/professional
• Administrative Liens	No
• Property Seizure & Sale	Yes
• State Funds/Benefits (please specify)	Yes - Workers' Compensation, Unemployment Compensation, unclaimed property
• Other (please specify)	N/A
19) Spousal Maintenance Orders (specify yes or no)	
• Establish	No
• Enforce	Yes - if the spouse/former spouse is living with the child(ren) and the child support obligation is being enforced by IV-D
• Modify	No

20) Current Spouse/Partner Information Required	Yes - require <u>non-custodian's</u> current spouse information only.
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B. UNIFORM INTERSTATE FAMILY SUPPORT ACT

1) State Code Citation	N.D.C.C. Chapter 14-12.2
2) Effective Date	August 1, 1995
3) Adopted Verbatim? If no, list differences.	Yes - includes Section 501 Direct Income Withholding
4) Repeal URESA?	Yes
5) Repeal IWW?	Yes

C. INCOME WITHHOLDING

1) Income Withholding Terminology	Income Withholding
2) Income Withholding Procedures	
• State Withholding Limits	50% of the obligor's disposable income
• Fee Charged by Employers	May withhold an additional \$3 per month
• Date to Remit	Within 10 working days of the date the obligor is paid
• Penalty	May be found in civil contempt. May be liable for the amount not withheld plus costs, interest, attorney's fees.
3) Definition of Employer	Income Payor is defined as any person, partnership, firm, corporation, association, political subdivision, or department or agency of the state or federal government owing income to an obligor and includes an obligor if the obligor is self-employed.
4) Included Income	Any form of payment, regardless of source, owed to an obligor, including any earned, unearned, taxable or nontaxable income, workers' compensation, disability benefits, unemployment compensation benefits, annuity and retirement benefits.
5) Excluded Income	Public assistance benefits administered under state law.
7) Direct Income for Workers' Compensation, include address	No - UIFSA definition limited to employers

8) Direct Income Withholding, other income sources subject to, include address	Employers only
9) Direct Income Withholding, list Other Income Sources NOT subject to	Only employers are subject to direct income withholding
10) Federal Withholding (See Federal Pay Agents Section)	IV-D Directors need not answer this question.
11) Procedures for Contesting Income Withholding	A written request for hearing must be filed within ten days of the date of the notice to the obligor.
12) Arrearages through Income Withholding	Yes - The amount the obligor is ordered to pay toward arrearage, or if no order to repay arrearage exists, then an amount equal to 20% of current support, or if no longer current support, then an amount equal to most recent support obligation.
13) Enforcing Against Non-Resident Obligor Asset/Income	Yes
14) Exception to Immediate Withholding	Yes - Finding of good cause. Must be based on at least: written determination that, and an explanation of why, it wouldn't be in the best interest of the child, proof of timely payment, requirement that the obligor keep the clerk informed of employment and health insurance information.
15) Multiple Obligations Withholding Priorities	
• Policy	All obligations are enforced equally.
• Priority	All income withholding orders are treated equally.
• Assistance	See Employer Assistance Contact in State Contact Chart
• Allocation	First to current (proportionately among cases), then to arrears (proportionately among cases).

D. PATERNITY

1) Interstate Paternity Procedures	Parties are given an opportunity to stipulate. Genetic tests (which may be ordered by the court) are conducted in contested cases - the initiating state will be contacted to coordinate arrangements. Paternity may be established by default.
Consent Orders Obtained	Yes
2) Uniform Parentage Act	Yes
3) Uniform Act on Blood Testing	No
4) Parentage Order Available	Yes - In cases where a Medicaid-only recipient opts out of child

Without Order for Support	support services, only paternity and medical support are established.
5) Custody/Visitation Addressed Subject to Tribunal's Jurisdiction	No - IV-D does not address custody or visitation but courts may address issues on own volition.
6) Genetic Test Results as Presumption of Paternity	Rebuttable
Threshold	95% or higher
7) Paternity Acknowledgment as Presumption of Paternity (Rebuttable/Conclusive)	Conclusive
8) Marriage as Presumption of Paternity	Yes - Only may be disputed by the husband or wife or the descendent of one or both of them.
9) Putative Father's Name on Birth Certificate, Effect of	Rebuttable presumption of paternity if after the child's birth, the man and the child's natural mother have married, or attempted to marry, and he is named as the child's father on the birth certificate.
10) Other Statutory Presumptions	Rebuttable presumption if, while the child is under the age of majority, the man receives the child into his home and openly holds out the child as his natural child.
11) Recognition of Common Law Marriage	No
12) Personal Appearance of Witness or Custodial Parent Required	No
Acceptable Methods of Testimony	With court's permission, written, video or audio testimony is acceptable.
13) Long-Arm Statute	N.D.R.Civ.P Rule 4(b) (General Long-Arm) NDCC §14-12.2-04 (UIFSA)
14) Assistance to Other States Using Their Long-Arm Statutes	
• Service of Process	Yes, will assist in identifying process servers available in specific areas.
• Genetic Testing	Yes, will assist in identifying draw sites available in specific areas.
15) Recovery of Genetic Testing Costs for Other States	Yes

E. SUPPORT ORDER ESTABLISHMENT

1) Interstate Procedures	Judicial process
2) Income Considered for Setting Support	All of the obligor's income excluding means tested public assistance benefits.
3) Criteria for Rebuttal	The increased need if support for more than 6 children is sought; the increased ability of an obligor, with a monthly net income which exceeds \$10,000, to provide child support; the increased need if educational costs have been voluntarily incurred, at private schools, with the prior written concurrence of the obligor; the increased needs of children with disabling conditions or chronic illness; the increased needs of children age twelve or older; the increased needs of children related to the cost of child care, purchased by the obligee, for reasonable purposes related to employment, job search, education, or training; the increased ability of an obligor, who is able to secure additional income from assets, to provide child support; the increased ability of an obligor, who has engaged in asset transaction for the purpose of reducing the obligor's income available for payment of child support, to provide child support; the reduced ability of the obligor to provide support due to travel expenses incurred solely for the purpose of visiting a child who is the subject of the order; the reduced ability of the obligor to pay child support due to a situation, over which the obligor has little or no control, which requires the obligor to incur a continued or fixed expense for other than subsistence needs, work expenses, or daily living expenses; the reduced ability of the obligor to provide support due to the obligor's health care needs, to a limited extent.
4) Support Order for Prior Periods	Yes - IV-D will go back to (1) AFDC: date of assignment or birth whichever occurs later, (2) non-AFDC: date of application.

F. ENFORCEMENT

(Note: If multiple orders, see Part "G")

I. ENFORCING YOUR OWN ORDER

1) Enforcement for Non-Resident Family	Same as for resident family.
2) Administrative Procedures and Remedies Available	No - except tax refund intercept
3) Judicial Procedures and Remedies Available with Registration	Execution upon property, income withholding, contempt of court (including license suspension), criminal non-support statutes

II. ENFORCING OTHER STATES' ORDERS

4) Administrative Procedures and Remedies Available Without Registration	Direct income withholding and State tax refund intercept
5) Judicial/Administrative Remedies with Registration	Execution upon property, income withholding, contempt of court (including license suspension), criminal non-support statutes
6) UIFSA/URESA Registration and Enforcement Procedure	Orders can be registered under UIFSA for enforcement.
7) Judicial Procedures Required after Registration	None
8) Uniform Enforcement of Foreign Judgments Act Citation	Yes - N.D.C.C. Chapter 28-20.1

G. MODIFICATION/REVIEW & ADJUSTMENT OF ORDERS

1) Jurisdiction Requirements	UIFSA CEJ
2) Modification Procedures	Upon the completion of the review, the parties are notified of the results. If the review has determined that a modification is appropriate, the parties are given an opportunity to stipulate. If parties do not stipulate to the modification, a motion is made to the court and a hearing may be held.
3) Criteria for Modification	15% change (upward or downward) - If the current order provides for child support payments in an amount less than 85%, or more than 115%, of the guideline amount.
4) Criteria for Change of Circumstances	Not specifically defined (case by case determination) except that the following is considered a material change in circumstance: child receiving public assistance, and the availability of health insurance at reasonable cost.
5) Frequency With Which Reviews are Conducted	3 years
6) Criteria for Review	A review will not be conducted, in any type of case: if the court order is less than 35 months old, less than 35 months has elapsed since the last review, or less than six months remains on the current support obligation. In addition, a review will not be conducted in a Medicaid-only case if medical support provisions exist in the current order, or, in a non-AFDC case, if neither party requests a review.
7) Criteria for Adjustment	15% change (upward or downward) - If the current order provides for child support payments in an amount less than 85%, or more than 115%, of the guideline amount.

H. MULTIPLE ORDERS

ENFORCEMENT AND MODIFICATION

1) Controlling Order	CEJ and controlling order per UIFSA sections 205 and 207 (N.D.C.C. §14-12.2-08 and §14-12.2-10).
2) Date of Controlling Order	Either date of registration or date of order depending upon analysis per UIFSA.
3) If No Controlling Order	Yes
4) Arrears Procedure	Arrears are determined by crediting payments against the highest obligation in existence at a particular time. Multiple orders are not cumulative even though they may coexist. Payments made are credited against all multiple orders.

I. Documentation Required to Initiate Requests

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each document	Certification required for each document *See below
Establishment of Paternity and Support	Child Support Enforcement Transmittal	1orig 1copy	B
	Uniform Support Petition	1orig 1copy	A
	Paternity Affidavit	1orig 1copy	A
	General Testimony	1orig 1copy	A
Enforcement of Responding State's Order	Child Support Enforcement Transmittal	1orig 1copy	B
	Uniform Support Petition	1orig 1copy	A
	All court orders and modifications	1orig 1copy	C
Modification of Responding States' Orders	Child Support Enforcement Transmittal	1orig 1copy	B

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation require d for each docu- ment *See below
	Uniform Support Petition	1orig 1copy	A
	All court orders and modifications	1orig 1copy	C
	General Testimony	1orig 1copy	A
Administrative Enforcement of Another States' Order	N/A		
Registration for Enforcement of Another States' Order	Child Support Enforcement Transmittal	1orig 1copy	B
	Uniform Support Petition	1orig 1copy	A
	All court orders and modifications	1orig 1copy	C
	Affidavit of Arrears	1orig 1copy	A
Collection of Arrearages in Multiple Orders	Child Support Enforcement Transmittal	1orig 1copy	B

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation require d for each docu- ment *See below
	All court orders and modifications	1orig 1copy	C
	Affidavit of Arrears	1orig 1copy	A
Uniform Enforcement of Foreign Judgments Act	Child Support Enforcement Transmittal	1orig 1copy	B
	Authenticated copies of all court orders and judgments	1orig	C
	Affidavit of Identity	1orig	A
Modification of Another State's Order	Child Support Enforcement Transmittal	1orig 1copy	B
	Uniform Support Petition	1orig 1copy	A
	All court orders and modifications	1orig 1copy	C
	General Testimony	1orig 1copy	A
Status Update on an Existing	Child Support Enforcement Transmittal	1orig	B

ACTION REQUESTED	DOCUMENTS NEEDED	# of Copies of each docu- ment	Certifi- cation require d for each docu- ment *See below
Interstate Case		1copy	
Assistance/Discovery	Child Support Enforcement Transmittal	1orig 1copy	B
Quick Locate	Locate Data Sheet	1	B

**A= Notarization by Notary Public; B= Certification by signature of agency official;
C= Certification by signature of court official; D= Others (please specify);
E= Certification not required*

J. State Contact Chart

ASSISTANCE NEEDED	CONTACT Name, Title, Address, Phone, Fax, E-mail (include 800 if applicable)
State Information Agent	Una Mae Penne, Central Registry Administrator P.O. Box 7190 Bismarck, ND 58507-7190 Phone: (701)328-3582 FAX: (701)328-5497
Central Registry	Una Mae Penne, Central Registry Administrator P.O. Box 7190 Bismarck, ND 58507-7190 Phone: (701)328-3582 FAX: (701)328-5497
Interstate Policy Contact (if different)	Policy Unit P.O. Box 7190 Bismarck, ND 58507-7190 Phone: (701)328-3582 FAX: (701)328-5497
Contact for Information Regarding Your States Long Arm Statute and Process	Una Mae Penne, Central Registry Administrator P.O. Box 7190 Bismarck, ND 58507-7190 Phone: (701)328-3582 FAX: (701)328-5497
Contact for Information Regarding Collection and Distribution (State level)	Tom Siems, Financial Administrator P.O. Box 7190

	<p>Bismarck, ND 58507-7190</p> <p>Phone: (701)328-3582</p> <p>FAX: (701)328-5497</p>
Contact to Obtain Payment Records	No state contact - Refer to IRG Collection Addresses
Contact to Obtain Copy of Order	No state contact - Refer to IRG Collection Addresses
Contact for States Using Their Long Arm Statutes or Continuing Exclusive Jurisdiction (no “case” in your State) for	
<ul style="list-style-type: none"> • Service of Process (private process server? If so , list) 	<p>To assist in identifying process servers:</p> <p>Una Mae Penne, Central Registry Administrator</p> <p>P.O. Box 7190</p> <p>Bismarck, ND 58507-7190</p> <p>Phone: (701)328-3582</p> <p>FAX: (701)328-5497</p>
<ul style="list-style-type: none"> • Genetic Testing (e.g. assistance with interstate teleconferencing) 	<p>To assist in identifying draw sites:</p> <p>Una Mae Penne, Central Registry Administrator</p> <p>P.O. Box 7190</p> <p>Bismarck, ND 58507-7190</p> <p>Phone: (701)328-3582</p> <p>FAX: (701)328-5497</p>
New Hire Reporting Contact	N/A
Employer Assistance Contact	<p>To assist employers in income withholding/distribution:</p> <p>Tom Siems, Financial Administrator</p> <p>P.O. Box 7190</p> <p>Bismarck, ND 58507-7190</p>

	Phone: (701)328-3582 FAX: (701)328-5497
Telephone Number for Automated Interstate Case <i>Status</i> Requests (if any)	N/A
Telephone Number for Automated Interstate Case <i>Payment</i> Requests (if any)	N/A
Privatization Contact	N/A